

Serial: 195771

**IN THE SUPREME COURT OF MISSISSIPPI**

**No. 2013-IA-00436-SCT**

**FILED**

**JAN 9 2015**

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

**MISSISSIPPI DIVISION OF MEDICAID**

***Appellant***

**v.**

**ALLIANCE HEALTH CENTER**

***Appellee***

**CONSOLIDATED WITH:  
2013-IA-00438-SCT**

**MISSISSIPPI DIVISION OF MEDICAID  
AND ROBERT L ROBINSON, IN HIS  
OFFICIAL CAPACITY AS EXECUTIVE  
DIRECTOR OF MISSISSIPPI DIVISION  
OF MEDICAID**

***Appellants***

**v.**

**CROSSGATES RIVER OAKS HOSPITAL  
F/K/A RANKIN MEDICAL CENTER,  
GRENADA LAKE MEDICAL CENTER,  
RILEY MEMORIAL HOSPITAL,  
NATCHEZ COMMUNITY HOSPITAL,  
WOMAN'S HOSPITAL, NORTHWEST  
MISSISSIPPI REGIONAL MEDICAL  
CENTER, BILOXI REGIONAL  
MEDICAL CENTER, RIVER OAKS  
HOSPITAL, DELTA REGIONAL  
MEDICAL CENTER, ST. DOMINIC-JACKSON  
MEMORIAL HOSPITAL, AND  
KING'S DAUGHTER MEDICAL  
CENTER-BROOKHAVEN**

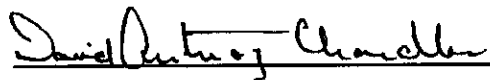
***Appellees***

## **ORDER**

After hearing oral argument and carefully considering this case, this Court finds that supplemental briefing is required and directs the parties to submit additional briefs addressing the following questions: (1) Did the twelve cases before the Mississippi Division of Medicaid present questions of fact, questions of law, or mixed questions of fact and law; (2) If the cases presented any fact questions, was a writ of certiorari available under Mississippi Code Section 11-51-95; and (3) Does the holding in *Gill v. Mississippi Department of Wildlife Conservation*, 574 So. 2d 586, 591 (Miss. 1990), that review of an agency's decision presents a question of law because, "should the record and proceedings below reflect a decision wholly unsupported by any credible evidence, we would regard that decision as contrary to law and, as a matter appearing on the face of the record or proceedings, subject to modification or reversal" contravene Mississippi Code Section 11-51-93's plain language that "the court shall be confined to the examination of questions of law arising or appearing on the face of the record and proceedings."

THEREFORE IT IS ORDERED that on this Court's own motion the parties are required to file, simultaneously, their supplemental briefs addressing the questions stated above which shall not exceed twenty five (25) pages, within thirty (30) days of the entry of this order.

SO ORDERED, this the 9<sup>th</sup> day of January, 2014.

  
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DAVID ANTHONY CHANDLER,  
JUSTICE